

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**BENNIE TATE and
MAXINE TATE,**

Plaintiffs,

v.

**CEDAR POINT HOMEOWNERS
ASSOCIATION, INC.**

Defendant.

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CIVIL ACTION NO.

SA-06-CA-0696 FB (NN)

ORDER STRIKING MOTION

This order STRIKES the plaintiffs' motion to add additional defendants (docket entry # 12). On September 9, 2006, the plaintiffs filed a civil rights lawsuit naming Cedar Point Homeowners Association, Inc., as defendant. Since that time, the plaintiffs filed a motion asking to add the City of San Antonio, the Law Office of Christopher J. Weber, and Roberts, Markel, Bale, P.C., as defendants in their lawsuit. The motion fails to comply with the local rules for this district because it does not indicate that the plaintiffs have first conferred in a good-faith attempt to resolve the matter by agreement and does not certify the specific reason why an agreement could not be made.¹ Consequently, I STRIKE the motion (docket entry # 12).

Although I strike the motion for failure to comply with the rules for this district, I refer the plaintiffs to the Federal Rules of Civil Procedure. Rule 8 specifies the requirements for a claim for relief (here, the plaintiff's complaint) and Rule 15 addresses the amendment of

¹ See Rule CV 7(h) of the Local Rules for the Western District of Texas.

pleadings such as a complaint. Although those rules require only a short and plain statement of the plaintiffs' claim, the plaintiffs should avoid naming a party as a defendant unless they can show that they are entitled to relief from that party. The plaintiffs' complaint does not reflect any basis for adding the City of San Antonio, the Law Office of Christopher J. Weber, or Roberts, Markel, Bale, P.C., as defendants in this case. The plaintiffs' complaint alleges racial discrimination stemming from a lawsuit brought by Cedar Point Homeowners Association. The complaint and its attached documents do not suggest any involvement by the City of San Antonio or Christopher Weber—other than his appointment as substitute trustee for the sale of the plaintiffs' home—or Roberts, Markel, Bale, P.C.—other than apparent legal representation for the defendant—in the racial discrimination alleged in the plaintiffs' complaint. Because the plaintiffs' allegations indicate no involvement by these parties, the plaintiffs should indicate the specific role of these parties if they name them as defendants in an amended complaint.

The plaintiffs should also familiarize themselves with the Local Rules for this district and with the district's pro se manual. Those documents are available on the official website for the Western District of Texas at www.txwd.uscourts.gov under the folders marked "rules" and "publications," respectively. The Federal Rules of Civil Procedure are also available on that website.

SIGNED on December 28, 2006.

A handwritten signature in cursive script, reading "Nancy Stein Nowak", written over a horizontal line.

NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE